

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION**

**JOHN D. GARDINER,  
Plaintiff**

**v.**

**CAROLYN W. COLVIN,  
COMMISSIONER OF THE SOCIAL  
SECURITY ADMINISTRATION,  
Defendant**

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**No. 9:14-CV-00130-KFG**

**ORDER OVERRULING OBJECTIONS AND ADOPTING  
REPORT AND RECOMMENDATION**

The Plaintiff requests judicial review of a final decision of the Commissioner of Social Security Administration with respect to his application for disability-based benefits. This matter has been referred to the Honorable Keith Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge submitted a report recommending that the decision of the Commissioner be affirmed. The court has considered the report and recommendation filed on April 3, 2018 (Doc. No. 16) and the Plaintiff's objections. (Doc. No. 17.) The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* Fed. R. Civ. P. 72(b). After careful consideration, the court concludes that the Plaintiff's objections are without merit.<sup>1</sup> The court concludes that the magistrate judge correctly identified and discussed the points of error argued by plaintiff and analyzed those points correctly. The magistrate judge properly examined the entire

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1. The Plaintiff complains that Gardiner's allegations of pain were corroborated by his wife, but, not properly examined by the ALJ. The Plaintiff's objection to the Report and Recommendation does not take into account that the ALJ examined the evidence from the corroborating source, Gardiner's wife, in accordance with SSR 06-03p. Notably, Gardiner's wife denied that her husband had any side effects from taking his medications, such as fatigue and insomnia, which is in opposite to what Gardiner alleged. The ALJ properly considered the corroborating source and substantial evidence supports the determination.

record to determine that substantial evidence supports the administrative law judge's determination of credibility and the Commissioner's denial of benefits.

Accordingly, all of the Plaintiffs objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

So **ORDERED** and **SIGNED** this **17** day of **July, 2018**.

A handwritten signature in black ink, appearing to read "Ron Clark", is positioned above a horizontal line.

Ron Clark, United States District Judge